

United States District Court
for
District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: CLARKE, Andrew

Docket Number: 02-00785-001

PACTS Number: 8907

Name of Sentencing Judicial Officer: Honorable William H. Walls, Sr. U.S.D.J.

Date of Original Sentence: 04/20/2005

Date of Revocation: 10/07/2009

Original Offense: Bank Fraud

Original Sentence: 64 months imprisonment; five (5) years supervised release.

Revocation Sentence: Time served; three (3) years supervised release; \$109,059.21 restitution; \$100 special assessment. Special condition: twelve (12) months home confinement. Modified condition: two (2) months community confinement.

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/07/2009

Assistant U.S. Attorney: Jose Almonte, 970 Broad Street, Room 502, Newark, New Jersey 07102 (973) 645-2700

Defense Attorney: To be determined.

PETITIONING THE COURT

☒ [X] To issue a warrant to act as a detainer

☐ [] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The offender has violated the standard supervision condition which states 'You shall report to the Probation Officer as directed by the Court or Probation Officer, and shall submit a truthful and complete written report within the first five days of each month.'
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Since August 2011, Clarke failed to report to Probation on numerous occasions and totally absconded from his community supervision obligation. The undersigned officer utilized every resource available to establish contact with the offender to no avail. His whereabouts and address were totally unknown.

The offender's last monthly form submitted was for December 2010. No forms have been submitted since.

Probation withheld initiating violation proceedings due to knowledge of Clarke being the target of a multi-agency criminal investigation (detailed herein).

- 2 The offender has violated the standard supervision condition which states **'You shall not leave the judicial district without the permission of the Court or Probation Officer.'**

On February 28, 2011, at approximately 8:00a.m., Clarke was a passenger during a motor vehicle traffic stop on I-85 in Oxford, North Carolina. The stop was initiated by the Granville County Sheriff's Department. The suspect vehicle, a 2007 BMW 535, was operated by Dural Samuels.

Probation never approved any out-of-district travel.

- 3 The offender has violated the standard supervision condition which states **'You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the Probation Officer.'**

As referenced within Violation #2, Dural Samuels (FBI # 709951MA0 / NY State ID # 6668503H / NJ State ID # 747916B) is a convicted felon. Such association was never approved by Probation.

- 4 The offender has violated the standard supervision condition which states **'You shall notify the Probation Officer within 72 hours of being arrested or questioned by a law enforcement officer.'**

On May 22, 2011 and November 9, 2011, respectively, within Jersey City and Newark, New Jersey, Clarke was pulled over by police on two (2) separate occasions. He was issued motor vehicle summonses for infractions including: traffic on marked lanes - unsafe lane change and driving after license/registration suspended/revoked. In each occasion, he failed to notify the Probation Office accordingly.

Likewise, the offender failed to notify the undersigned Probation Officer about the incident detailed within Violation #2 within the allotted time period.

- 5 The offender has violated the special supervision condition which states **'You shall reside for a period of two (2) months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. You shall be eligible for weekend privileges. You shall pay subsistence as required by the program.'**

On August 4, 2011, the offender began a community confinement sanction within Toler House in Newark, New Jersey. However, on August 7, 2011, as a result of disciplinary infractions, he was discharged as a "program failure."

6

The offender has violated the mandatory supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On June 6, 2012, Clarke was arrested by federal agents of the Immigration and Customs Enforcement - Homeland Security Investigations (ICE-HSI) and charged for his leading role in an international auto theft conspiracy and fraud-related offenses. The case is pending disposition within U.S. District Court - District of New Jersey.

I declare under penalty of perjury that the foregoing is true and correct.

By: Joseph Empirio, U.S.P.O.

Joseph Empirio
Joseph Empirio
2012.06.07
14:18:13 -04'00'

Date: 06/07/2012

THE COURT ORDERS:

- ☒ The Issuance of a Warrant to Act as a Detainer and Bail Revoked.
- ☐ The Issuance of a Summons. Date of Hearing: _____.
- ☐ No Action
- ☐ Other



Signature of Judicial Officer



Date